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Commonwealth of Virginia

RESPONSE TO PETITION FOR RULEMAKING

Check one: ☐ Initial Agency Notice ☒ Agency Decision

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Agency Name: State Mental Health, Mental Retardation and Substance Abuse Services Board

Chapters affected:

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
None specified	

Statutory Authority: §§ 37.2-203 and 37.2-400

Name of petitioner: Steven Shoon

Nature of petitioner's request: Requests that the agency adopt new regulations that require facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services and public bodies that hold meetings to provide confined individuals access to meetings of public bodies consistent with § 2-2-3708 of the Code.

INITIAL AGENCY NOTICE

Agency's plan for disposition of the request: The Board will consider the petition and any comments received at its regularly scheduled meeting on January 18, 2006.

Comments may be submitted until November 21, 2005

AGENCY DECISION

☐ Request Granted

☒ Request Denied

Statement of reasons for decision: The State Mental Health, Mental Retardation and Substance Abuse Services Board has denied the petition but has agreed to consider the petitioner's proposal in conjunction with its current process for amending its human rights regulations (12 VAC 35-115-10 et seq.). The petitioner requested that the Board initiate a new process to adopt regulations pertaining to the rights of individuals who are receiving services in state facilities. Virginia Code § 37.2-400 requires the Board to adopt regulations to protect the legal and human rights of individuals receiving services in facilities or from providers that are licensed, funded, or operated, by the department. The Board recently published a notice of intended regulatory action (NOIRA) to initiate the process to amend its human rights regulations. As part of this process, the Board will publish its proposed amendments and provide the public the opportunity to submit comments for its consideration. Rather than initiate a new regulatory process, the Board agreed to regard the petitioner's specific request as public comment on its proposed human rights regulations and consider his proposal when finalizing its amendments to the human rights regulations.

Agency Contact for Further Information:

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